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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/941,105

08/28/2001

John F. Buford

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7590

09/01/2005

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EXAMINER

VEILLARD, JACQUES

ART UNIT

PAPER NUMBER

2165

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,105

Applicant(s)

BUFORD ET AL.

Examiner

Jacques Veillard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 6/6/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the Applicant's communication filed on 6/6/2005.
2. Claims 27-52 are pending and presented for examination.
3. Applicant's request, filed on 3/4/2005, for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
4. In view of the appeal brief filed on 6/6/2005, PROSECUTION IS HEREBY REOPENED. A non-final action is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 102

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5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 27, 36-37, 46- 48, and 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Miloslavsky et al. (U. S. Pat. No. 6,581,105).

As per claims 27 and 37, Miloslavsky et al. disclose a method for improving e-mail routing in an Internet protocol network (See title and abstract). In particular, Miloslavsky et al. disclose the claimed limitations of: retrieving an email message (complaint) from a user (complainant) about an incident over the computer network (See Miloslavsky et al. Fig.23 and corresponding text, col.39, 30-32, and col.40, lines 8-11); parsing the complaint into a plurality of component, wherein the step of parsing includes breaking up an electronic mail message nested in the complaint into the plurality components *“by providing an Extractor 6204 contains a parser 6206 for parsing the content of the e-mails obtained from e-mail server 6102. Extractor 6204 also contains a storage device for storing an algorithm 6208, which directs*

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parser 6206 to extract appropriate information from the content of the e-mails in accordance with predetermined criteria. The extraction algorithm in extractor 6204 is changeable because the coding in algorithm 6208 could be changed. Examples of relevant information are: (a) *Addresses*: Typically, an e-mail has a portion that contains the addresses of the sender and recipient. Extractor 6204 directs parser 6206 to extract these e-mail addresses. (b) *Time Stamp*: Some e-mail contains the date and time an e-mail is sent. Extractor 6204 could direct parser 6206 to extract this information. This information may be more accurate than the time e-mail server 6102 receives the e-mail because some e-mails may be delayed for more than a day due to network problems. (c) *Keyword*: Extractor may direct parser to conduct a keyword search on the content of the e-mails” (See Miloslavsky et al. Fig.22 component 6206 and col.36, line 61 through col.37, line 22); normalizing one of the Plurality of components “by using a formatted and deformatted process to normalize the email components” (See Miloslavsky et al. Fig.22 components 6210 and 6214 and corresponding text namely col.37, lines 23-35); and using an analysis protocol on the one of the plurality of components to extract information relating to the complaint “by providing a protocol for communication between customer site 104 and provider site 1102 using Internet 1106 is the HTTP or web protocol. One of the advantages of web protocol is that the display on browser 1116 is a graphic document (commonly called a web page) containing text, images, and other information” (See Miloslavsky et al. col.11, lines 9-16).

As per claims 46 and 51, the claims have substantially the same limitation as claims 27 and 37. These limitations have already been addressed in the rejection of claims 27 and 37.

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Therefore, they are rejected on similar grounds corresponding to the arguments given for the rejected claims above.

As per claim 36, Miloslavsky et al. disclose the claimed invention, wherein the extracted information forms a record of a database (See col.2, lines 12-22, lines 35-38, and col.41, lines 30-42).

As per claim 47, Miloslavsky et al. disclose the claimed invention, wherein the analysis protocol further includes an extractor adapted to isolate specific information in the message in accordance with predetermined criteria (See Abstract lines 4-10, and col.2, lines 19-22).

As per claim 48, Miloslavsky et al. disclose the claimed invention, wherein the extractor searches for at least one of an IP address, a domain name, and an electronic mail address (See col.2, lines 42-45).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 28-35, 38-45, 49-50, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavsky et al. (U. S. Pat. No. 6,581,105) in view of Donaldson (U. S. Pat. No. 6,321,267).

As per claims 28 and 38, Miloslavsky teaches a method contains a parser (See Fig.22, component 6206). Miloslavsky does not specifically teach, wherein the parsing steps further includes locating a header in one of the plurality of components.

Donaldson teaches a method for filtering junk mail (See the Title and the abstract lines 1-2) including the feature of locating a header in one of the plurality of components (See col.4, lines 4-7, and lines 25-26).

It would have been obvious to a person of ordinary skill in the art at the time Applicant's invention was made to modify the teachings of Miloslavsky et al. by incorporating an header location as suggested by Donaldson. The motivation being to enhanced the system of Miloslavsky et al. by allowing it to locate forge email address in order to reject email from unknown hosts (spammers) that do not list the recipient's email address header of the message considered as junk mail.

As per claim 29, the combination of Miloslavsky et al. and Donaldson, as modified, teaches the claimed invention, further including the step of locating a header keyword in the header (See Donaldson col.4, lines 28-31).

As per claims 30 and 39, the combination of Miloslavsky et al. and Donaldson, as modified, teaches the claimed invention, wherein the normalizing step includes removing, at

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least one character from the header based on the header keyword (See Donaldson col.2, lines 38-41).

As per claims 31 and 40, the combination of Miloslavsky et al. and Donaldson, as modified, teaches the claimed invention, further including the step of locating a Received line in one of the plurality of components (See Donaldson col.2, lines 49-61, and col.3, lines 5-14).

As per claims 32 and 41, the combination of Miloslavsky et al. and Donaldson, as modified, teaches the claimed invention, further including the step of validating a source IP address from the Received line (See Donaldson col.4, lines 53-61).

As per claims 33, 42 and 43, the combination of Miloslavsky et al. and Donaldson, as modified, teaches the claimed invention, wherein the source IP address is validated by locating one or more delimiters in the Received line (See Donaldson Fig.3, col.3, lines 39-41 and col.4, lines 15-21).

As per claims 34 and 44, the combination of Miloslavsky et al. and Donaldson, as modified, teaches the claimed invention, further including the step of categorizing the complaint into a category (See Donaldson col.7, lines 31-64).

As per claims 35 and 45, the combination of Miloslavsky et al. and Donaldson, as modified, teaches the claimed invention, wherein the extracted information comprises one of a

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complaint tracking code, a source IP address, a Received line, a First Line, and a body of one of the plurality of components (See Donaldson Abstract lines 7-9, and lines 13-15, col.6, lines 14-24, col.11, lines 21-30, and col.17, lines 8-17, and lines 38-43, col.4, lines 24-34, col.15, line 66 through col.16, line 11, and col.26, lines 47-54).

As per claim 49, the combination of Miloslavsky et al. and Donaldson, as modified, teaches the claimed invention, wherein the extractor Identifies an alphanumeric character associated with the IP address, the domain name or the electronic mail address (See Donaldson Figs.3 and 4 and corresponding text).

As per claim 50, the combination of Miloslavsky et al. and Donaldson, as modified, teaches the claimed invention, wherein the message components include a header and body (See Donaldson Fig.3, and col.4, lines 28-30).

As per claim 52, the combination of Miloslavsky et al. and Donaldson, as modified, teaches the claimed invention, wherein one of the specific fields comprises a source IP address (See Donaldson Abstract lines 13-15, col.6, lines 14-24, col.11, lines 21-30, and col.17, lines 8-17, and lines 38-43).

Other Prior Art Made Of Record

- | | | |
|----|------------------|--------------------------|
| 9. | Ralston et al. | U. S. Pat No. 6,931,433, |
| | McCormick et al. | U. S. Pat No. 6,023,723, |

Gilbert

U. S. Pat. No. 6,529,942,

Canale et al.

U. S. Pat No. 5,619,648, and

Hiockey

U. S. Pub. No. 2004/0064515.

Cauce: Coalition Against Unsolicited Commercial Email, <http://www.Cauce.org>, 1997, 2 pages, (Download online).


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques Veillard whose telephone number is (571) 272-4086. The examiner can normally be reached on Mon. to Fri. from 9 AM to 4:30 PM, alt. Fri. off..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272- 4146. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J.V
Jacques Veillard
Patent Examiner TC 2100

August 22, 2005


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